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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,263	06/27/2001	David Mundell	3798/15933	3355

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HUSCH & EPPENBERGER, LLC
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EXAMINER

GARRETT, ERIKA P

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 03/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/892,263

Applicant(s)

MUNDELL ET AL.

Examiner

Erika Garrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 15-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-14 and 21-28 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: attachment.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1, 3-6, 23, 25-26 and 28 as best understood are rejected under 35 U.S.C. 102(e) as being anticipated by Skochdopole (6,060,407). In regards to claims 1 and 23, Skochdopole discloses the use of a article comprising a frame (14), a uniplaner, non-woven grid (10) integrally formed with a pair of attachment strips (18), wherein the grid has a pre stretched grid configuration and a second stretch grid configuration; an a plurality of fasteners attaching the second stretched grid configuration of the uniplaner, non-woven grid to the frame through the attachment strips. In regards to claim 3, the substantially uniplaner, non-woven grid comprises closely spaced primary members and points of intersection the closely spaced primary members being connected by said points of intersection, the primary members being integrally formed with the points of intersection in the first pre-stretched grid configuration and being stretch between the attachment strips in the second stretch grid configuration; the attachment strips having substantially the same configuration in the second stretched grid configuration as when integrally formed with the grid in the first pre-stretch configuration. In regards to claim 4, the points of intersection are in line between the attachment strips, thereby forming a

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plurality of ribs substantially perpendicular to the closely spaced primary members. In regards to claim 5, points of intersection are located at said attachment strips. In regards to claim 6, the attachment strips are comprised of a pre-stretch grid section. In regards to claim 25, a substantially uniplaner, non-woven grid, wherein the grid is comprised of primary members and points of intersection, and wherein the grid has a first pre-stretched configuration and a second stretched configuration, the primary members being integrally formed with the points of intersection in the first pre-stretched configuration, the primary members being stretched lengthwise in the second stretched configuration; and a pair of attachment strips integrally formed with and bordering the substantially uniplaner, non-woven grid, wherein the attachment strips are connected to the grid through the points of intersection. In regards to claim 26, the attachment strips have substantially the same configuration in the second stretched configuration as when integrally formed with the substantially uniplaner, non-woven grid in the first stretched configuration, and wherein the primary members are parallel in the first pre-stretched configuration and in the second stretched configuration. In regards to claim 28, further comprising a plurality of fasteners attaching a substantially uniplaner non-woven grid to the frame (18) through the attachment strips. See figure 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title; if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 8, 10-14, 21-22 and 24 as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Skochdopole in view of Linder (5,582,463). Skochdopole discloses a suspension article comprising a frame, non-woven grid, and a plurality of fasteners. Skochdopole shows all the teachings of the claimed invention but fails to show the use of J-strip fasteners, and the j-strip fasteners are actuated fasteners. Linder teaches the use of actuated J-strip fasteners attached to a frame. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the suspension article of Skochdopole with the J-strip fasteners as taught by Linder, in order to support the occupant better.

Claims 7 and 27 as best understood is rejected under 35 U.S.C. 103(a) as being unpatentable over Skochdopole. Skochdopole discloses the use of the claimed invention except for a wire embedded within the attachment strips. It would have been an obvious matter of design choice to have a wire embedded therein, since applicant has not disclosed that having a wire embedded therein solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well without the wire embedded therein.

Allowable Subject Matter

Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed January 24, 2003 have been fully considered but they are not persuasive.

Applicant's arguments with respect to claims 1-14 and 21-28 have been considered but are moot in view of the new ground(s) of rejection.


In regards to claims 15-20, are still drawn to a process of producing a suspension article is not germane to the issue of patentability of the device itself. The process of producing the limitation has not been given any patentable weight in the article claims. Therefore, the restriction is made final.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika Garrett whose telephone number is 703-605-0758.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

EG
February 26, 2003


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600